

APPLICATION FOR LEAVE TO APPEAL AND APPEAL

COURT or COMMISSION DETAILS

Court or Commission

Case number

TITLE OF PROCEEDINGS

[First] Appellant **[name]**

#Name of second and
subsequent Appellants (if any)

[First] Respondent **[name]**

#Name of second and
subsequent Respondents (if
any)

INITIAL PROCEEDINGS

Title **[e.g., Smith v Industrial Relations Secretary [2022]
NSWIRComm 1234]**

Case number below **[e.g.,2022/123456]**

Date[s] of hearing

Decision date

Decision of **[Commissioner's name]**

FILING DETAILS

Filed for **Appellant**

#Filed in relation to **[e.g., whole decision, decision in relation to [specific
respect(s)], decision in respect to remedy]**

#Legal representative or
authorised officer **[solicitor or authorised officer on record] [firm or industrial
organisation]**

#Legal representative
reference **[reference number]**

Contact name and telephone **[name] [telephone]**

Contact email **[email address]**

HEARING DETAILS

Unless the time, place and date of hearing are endorsed on this application, the parties will be subsequently advised of the date, time and place at which the Court or Commission will hear this application. Any enquiries should be made to the Industrial Relations Commission Registry, telephone 02 8688 3516.

DETAILS OF APPEAL

- 1 This appeal is brought under [s 187 of the *Industrial Relations Act 1996* or other statutory provision under which the appeal is brought].
- 2 #The Appellant appeals from the whole of the decision in the initial proceedings.
 #The Appellant appeals from the part of the decision in the initial proceedings in which [state the relevant part of the decision below].
 # The Appellant appeals in respect to the remedy ordered in the initial proceedings.

#APPLICATION TO EXTEND TIME TO APPEAL

- 1 [State briefly, but specifically, the grounds relied on in support of an extension of time for filing the appeal.]
- 2 []

Note: This section should be deleted if no application to extend time is sought.

REASONS WHY LEAVE TO APPEAL SHOULD BE GRANTED

- 1 [State briefly, but specifically, the reasons, including reasons why it is claimed that the matter is of such importance that, in the public interest, leave should be granted.]
- 2 []

QUESTIONS OF LAW

- 1 [State briefly, but specifically, any questions of law for determination by the Full Bench, should leave to appeal be granted.]
- 2 []

APPEAL GROUNDS

- 1 [State briefly, but specifically, the grounds relied on in support of the appeal.]
- 2 []

#STAY OF THE DECISION APPEALED AGAINST

1 [State briefly, but specifically, the grounds on which a stay of the original decision is sought.]

2 []

Note: This section should be deleted if no stay of the original decision is sought.

#APPLICATION FOR LEAVE TO INTRODUCE FRESH EVIDENCE

3 [State briefly, but specifically, the grounds relied on in support of leave being given to introduce fresh evidence on appeal.]

4 []

Note: This section should be deleted if no application for leave to introduce fresh evidence is sought.

ORDERS SOUGHT

1 #Time for filing an appeal be extended.

2 #That leave to appeal be granted.

3 #That leave be given to the Appellant to introduce fresh evidence.

4 Appeal allowed

5 [#That Order [specify which order number(s), if appealing part only] of the Court or Commission be set aside.]

6 [#That the initial decision of the Court or Commission be set aside in its entirety.]

7 [State what decision, order, or determination the appellant seeks in place of the initial decision of the Judge or Commissioner.]

8 [#State any order as to costs sought, subject to s 181 of the *Industrial Relations Act 1996*]

#SIGNATURE OF LEGAL OR INDUSTRIAL REPRESENTATIVE

Signature

Capacity [e.g., solicitor on record, contact solicitor, officer of an industrial organisation]

Date of signature

#SIGNATURE OF OR ON BEHALF OF APPELLANT IF NOT REPRESENTED

Signature

Capacity [e.g., Appellant/ Authorised Officer of Appellant, Authorised Officer of an Industrial Organisation, role of party]

Date of signature

NOTICE TO RESPONDENT

- 1 You are required, under the Rules of the Industrial Relations Commission, to file a notice of appearance at the Industrial Registry, 10 Smith Street, Parramatta, NSW or 47 Bridge Street, Sydney, NSW within 7 days of service of this notice on you.
- 2 If you, your lawyer or an officer of your industrial organisation do not attend the hearing, the Court or Commission may determine the proceedings and may make orders against you in your absence, including orders for the appellant's costs of bringing these proceedings.

Note: This notice must be served personally unless non-personal service under UCPR 10.18 is permitted.

HOW TO RESPOND

Please read this application for leave to appeal and appeal very carefully. If you have any trouble understanding it or require assistance on how to respond to the notice of leave to appeal and appeal you should get legal advice as soon as possible.

You can get further information about what you need to do to respond to the notice of appeal from:

- A legal practitioner.
- Your industrial organisation, such as a trade union or employer association.
- LawAccess NSW on 1300 888 529 or at www.lawaccess.nsw.gov.au.
- The Commission registry, for limited procedural information only.

Commission forms are available on the Commission's website at www.irc.nsw.gov.au.

COMPLIANCE WITH PRACTICE NOTES

Parties must comply with the Practice Notes of the Commission. The Practice Notes may be found at the following website: <https://www.irc.nsw.gov.au/irc/practice-and-procedures/practice-notes.html>.

REGISTRY ADDRESS

Street address	Industrial Relations Commission of New South Wales 47 Bridge Street Sydney NSW 2000 or 10 Smith Street Parramatta NSW 2150
Postal address	PO Box 927 Parramatta NSW 2124
Telephone	02 8688 3516

PARTY DETAILS

A list of parties must be filed and served with this notice of appeal.

[on separate page]

FURTHER DETAILS ABOUT APPELLANT[S]**[First] appellant**

Name

Address

[The filing party must give the party's address.]

#[unit/level number]

#[building name]

[street number]

[street name]

[street type]

[suburb/city]

[state/territory]

[postcode]

#[country (if not Australia)]

#Frequent user identifier

[include if the appellant is a registered frequent user]

[repeat the above information as required for the second and each additional appellant]

#Legal representative for appellant[s]

Name

[name of solicitor on record]

Practising certificate number

Firm

[name of firm]

#Contact solicitor

[include name of contact solicitor if different to solicitor on record]

Address

#[unit/level number]

#[building name]

[street number]

[street name]

[street type]

[suburb/city]

[state/territory]

[postcode]

DX address

Telephone

Email

Electronic service address

[#email address for electronic service e.g.,
service@emailaddress.com.au]**#Contact details for appellant[s] acting in person or by authorised officer**

#Name of authorised officer

#Industrial organisation

#Capacity to act for appellant[s]

Address for service

[The filing party must give an address for service. This must be an address in NSW unless the exceptions listed in UCPR 4.5(3) apply. State "as above" if the filing party's address for service is the same as the filing party's address stated above.]

#as above

#[unit/level number]

#[building name]

[street number]

[street name]

[street type]

[suburb/city]

[state/territory]

[postcode]

Telephone

Email

DETAILS ABOUT RESPONDENT[S]**[First] respondent**

Name

Address

#[unit/level number]

#[building name]

[street number]

[street name]

[street type]

[suburb/city]

[state/territory]

[postcode]

#[country (if not Australia)]

[repeat the above information as required for the second and each additional respondent]